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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/682,333	08/21/2001	David Goldberg	105864	6794

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EXAMINER	
LAO, LUN YI	
ART UNIT	**PAPER NUMBER**
2673	10

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/682,333	GOLDBERG ET AL.	
	Examiner	Art Unit	
	Lao Y Lun	2673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 November 2003*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on 9/23/03 is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) ☐ The translation of the foreign language provisional application has been received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Helbig, Sr.(5,841,868).

As to claims 1-3 and 5-7, Helbig, Sr. teaches a method for transferring information comprising storing(220) information about the user in a physically manipulatable reified device(14 , 30); providing a manipulatable user interface(214) between a responsive device(10) and physically manipulatable reified device(14, 30) and placing an object(34) relative to the physically manipulatable reified device(14, 30)(placed an object(34) into a slot(32)((see figures 1-2; column 3, lines 12-67 and column 4, lines 1-7). Helbig, Sr. teaches relatively placing the object(34) and the physically manipulatable reified device (14, 30) and/or physically manipulating the object communicates at least some of stored information about the user(authorization user) to the responsive device(10)(see figures 1-3; column 3, lines 20-22 and lines 35-52; column 4, lines 47-65; column 5, lines 63-67 and column 6, lines 1-29).

As to claims 2 and 6, Helbig, Sr. teaches the stored information having the level of authority of user(see figure 2; column 4, lines 20-22 and column 7, lines 10-34).

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3 and 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Shintani(6,137,480).

As to claims 1-3 and 5-7, Shintani teaches a method for transferring information comprising storing information about the user in a physically manipulatable reified device(3); providing a manipulatable user interface between a responsive device(computer and display(4)) and physically manipulatable reified device(3) and placing an object(2) relative to the physically manipulatable reified device(3); wherein relatively placing the object(34) and the physically manipulatable reified device (3) and/or physically manipulating the object communicates at least some of stored information about the user(authorization user) to the responsive device(see figures 1-3; column 2, lines 24-68; column 3, lines 1-48).

As to claims 2 and 6, Shintani teaches the stored information having the level of authority of user(see figure 2; column 2, lines 40-44 and column 3, lines 4-48).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 4 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Helbig, Sr. or Shintani in view of Woolston(5,845,265).

Helbig, Sr. or Shintani fail to disclose the storing information having an asset of a user with a credit card number.

Woolston teaches the identification number could be a credit card number(see figure 2 and column 9, lines 10-14). It would have been obvious to have modified Helbig, Sr. or Shintani with the teaching of Woolston, since using a credit card number as an ID number is more secure and more protection since the other users would not easy to find out and easy to get it.

7. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shintani(6,137,480) in view of Gershon(6,257,984).

Shintani fails to disclose an object is a hat.

Gershon teach a card(22 34) can mounted on a hat(24)(see figures 1-3; column 1, lines 58-67 and column 2, lines 1-17). It would have been obvious to have modified

Shintani with the teaching of Gershon, so as to avoid loss and damage the card(see column 1, lines 31-35).

Response to Arguments

8. Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

Applicants argue that the examiner fail to establish a proper motivation to combine Woolston on page 8. The examiner disagrees with that the proper motivation has been given on the claims rejection(see paragraph #6 above) and Woolston has disclosed the credit card number could be used as an ID number to assess a computer system.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Young(Des.386,160) teaches a hat computer mouse.

Blumer et al(Des.370,219) teach a hat computer mouse.

Mostert(5,452479) teaches a cap with display card.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lun-yi, Lao whose telephone number is (703) 305-4873.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bipin Shalwala, can be reached at (703) 305-4938.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

December 19, 2003

Lun-yi Lao
Primary Examiner